

**AGENDA
TOWN OF EDGEWOOD
PLANNING & ZONING COMMISSION MEETING
OCTOBER 17, 2016 AT 6:00 PM
EDGEWOOD COMMUNITY CENTER
27 E. FRONTAGE ROAD, EDGEWOOD, NM 87015**

The Town of Edgewood Planning & Zoning Commission is pleased to have residents of the community take time to attend commission meetings. Attendance and participation is encouraged. Individuals wishing to be heard during public hearing proceedings are encouraged to be prepared. Public comments may not be disruptive or harassing, and all persons are expected to maintain respect and decorum. Accordingly, rude, slanderous, or abusive comments and/or boisterous behavior will not be permitted. Written comments are welcome and should be given to the town administrator prior to the start of the meeting.

- 1. CALL TO ORDER & ROLL CALL**
- 2. APPROVAL OF AGENDA**
- 3. APPROVAL OF MINUTES:**
 - A. Draft Planning & Zoning Commission Meeting Minutes of October 3, 2016
- 4. SITE VISIT**
 - Liberty Square and Subdivision south of Walgreens on Edgewood 7
- 5. PUBLIC COMMENTS**
- 6. FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDED ORDER**
 - A. Woods End Ranch -3 lot subdivision, along Woodline Drive, Tract P-1-R-1-B, Section 21, T10N, R7E, N.M.P.M., Town of Edgewood, Santa Fe County, NM.
 - B. Conditional Use Permit for a K1-12 Charter school located at Hwy 344, Tract A-2, Parcel A, Lone Pine Ranch, Section 22, T10N, R7E, N.M.P.M. Town of Edgewood, Santa Fe County, NM 87015.
- 7. RECOMMENDATION FOR REVISIONS TO THE TOWN OF EDGEWOOD ZONING ORDINANCE – District Standards, Height Restrictions**
- 8. MATTERS FROM THE CHAIR AND COMMISSION MEMBERS**
- 9. MATTERS FROM STAFF**
 - A. Commissioners Term of Service
 - B. Comments on format for minutes
 - C. Update on Impact Fee Study
- 10. CALENDAR UPDATE AND FUTURE AGENDA ITEMS.**
 - A. Joint Workshop on Subdivisions – November 12th - 3:30 pm -- (medical matter for Councilor)
- 11. WORKSHOP**
 - A. Road Standards & Paving Priority List
- 12. ADJOURN.**

A copy of the agenda may be obtained at the Town Office, 1911 Historic Route 66 during regular business hours of 8:00 am – 5:00 pm. If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Town Clerk at 505-286-4518 at least one week prior to the meeting or as soon as possible.

DRAFT MINUTES
TOWN OF EDGEWOOD
PLANNING & ZONING COMMISSION MEETING
OCTOBER 3, 2016 AT 6:00 PM
EDGEWOOD COMMUNITY CENTER
27 E. FRONTAGE ROAD, EDGEWOOD, NM 87015

1. CALL TO ORDER & ROLL CALL

Chairman Thompson called the meeting to order at 6:02 pm and asked for a roll call.
Commissioners present were: Cheryl Huppertz, Garry Bryant, and Dan Thompson.
Also present were: Larry Sullivan, Planning Administrator, and Bonnie Pettee, Planning Assistant.

2. APPROVAL OF AGENDA

MOTION: Commissioner Huppertz made a motion to approve the agenda for tonight's meeting. Commissioner Bryant seconded the motion.

VOTE: All Commissioners present voted aye. Motion carried.

3. APPROVAL OF MINUTES:

A. Draft Planning & Zoning Commission Meeting Minutes of September 19, 2016

MOTION: Commissioner Bryant made a motion to approve the minutes of the September 19, 2016 meeting as presented. Commissioner Huppertz seconded the motion.

VOTE: All Commissioners present voted aye. Motion carried.

4. PUBLIC COMMENTS

There were none.

5. PUBLIC HEARING.

Quasi-judicial Procedure: Certification that Public Notice of this meeting has been posted as required:

This case is being heard under provisions required by the New Mexico Court of Appeals intended to protect the rights of all parties and their witnesses and to cross-examine persons giving testimony.

Confirmation of no conflict of interest or ex-parte communication.

- A. Request for approval of a 3 lot subdivision in Woods End Ranch, along Woodline Drive, Tract P-1-R-1-B, Section 21, T10N, R7E, N.M.P.M., Town of Edgewood, Santa Fe County, NM.

Ms. Pettee confirmed the Public Notice had been posted as required.

Commissioner Huppertz confirmed that she had no conflict of interest or ex-parte communication.

Commissioner Bryant confirmed that he had no conflict of interest or ex-parte communication.

Chairman Dan Thompson confirmed that he had no conflict of interest or ex-parte communication.

Mr. Jon Pillars, applicant, Mr. Tim Oden, agent, and Larry Sullivan were sworn in for testimony.

Mr. Sullivan explained that this case had been remanded back to the Commission from Council with 4 directives. We need to respond to the directives given. He asked Mr. Oden to make his presentation.

Mr. Oden, the agent for applicant John Pillars, stated since all general information had been discussed previously, he would address the four directives. He stated he had not correctly disclosed the owners of the additional two parcels to the west of Tract 5 because he didn't realize the lots had been sold to someone else. He noted that the covenant for two acre lots was no longer relevant, since a covenant was already in place for minimum lot size of 1.5 acres. Mr. Oden was not aware a Road Maintenance Agreement was in place until a later date. In regards to services, Mr. Pillars had started working on the road prior to the initial meeting and has since placed additional gravel on the road from Mr. Martin's house to 40 feet west of the cul-de-sac. He distributed pictures of the current road development to the Commissioners and staff.

Commissioner Huppertz expressed concerns that the road was not built to appropriate standards and would wash away with a heavy rain.

Larry Sullivan asked if the turnaround had been added to the west end of Woodline Drive and if a compaction test had been done.

Mr. Oden replied no, neither had been done.

Mr. Sullivan reminded him that the Fire Marshall's requirements were 6" base with compaction and a hammerhead turn around.

Mr. Sullivan continued stating that the Planning Commission does have the authority to place covenants on private property. He cited two cases from other villages, one in 1987 and the other in 1989. The Commission was not aware of the Road Maintenance Agreement. He noted that the agreement says "maintenance" not building roads. Regarding services in place, there is no road and staff was not given a plat that shows where the utilities are located.

Mr. Pillars replied that there is power to all three lots, gas & water to two of the three and the option for water or well on the third. He noted that the fire hydrant was within 600 feet.

Mr. Sullivan explained the options the Commissioners could choose in resolving the case.

They were:

1. Deny as a Minor Subdivision and request new application for Major Subdivision, as there is no evidence that the road will support a fire department vehicle and the applicant failed to provide accurate information.

2. Approve—subject to the road standards sketch which includes the hammer head turn around with appropriate compaction.
3. Rescind original application entirely and re-submit showing no infrastructure is needed.

Mr. Oden read the definition of “Roadway/Street” from the Subdivision Ordinance, “..portion of public right of way or private lane which is improved, designed or used for vehicular use, ...” and the General Note that is required to be on the plat “...the town does not evaluate minor subdivisions with regard to availability of water, off-site sewer services, condition of the road(s) serving the subdivision,....”

He concluded “yet you want roads built to certain specifications”.

Mr. Sullivan replied that he does not have a reason for the disclaimer, but the whole ordinance is designed to provide for adequate infrastructure in subdivisions. The standards that the Commission is referring to here is what is required by the Fire Department.

Mr. John Pillars addressed the Commission. He explained that he has acted in good faith with the Town of Edgewood. He has put 90 tons of gravel down on a 200’ span. He told his contractor he needed 6” of base. He trusts that the contractor did that. Mr. Pillars stated he had read the Ordinance and felt he complied with the requirements of a Minor Subdivision, and was advised by staff, initially, that he did. Now he is being told that he doesn’t qualify and needs to resubmit as a major. He suggested that “the Town was changing the rules in the middle of the game” He asked the Commission to use common sense in reviewing this, as he has complied with the “spirit” of the ordinance.

Commissioner Huppertz asked Mr. Pillars if they were to approve this, would he be willing to add the hammer head turn around on Tract 5.

Mr. Pillars replied he had spent a lot of money already doing the road. He did not trust the Commission to not add more.

Commissioner Bryant did some rough calculations that, in his opinion, were a little shy of what was needed to build a road 24 feet wide and 200 feet long. He suggested Mr. Pillars have a compaction test done to assure that the road meets the requirements to support an emergency vehicle.

Mr. Pillars did not reply.

MOTION: Commissioner Bryant made a motion to deny the request based on no roadway access and no evidence that the road would support fire equipment. Commissioner Huppertz seconded the motion.

VOTE: All Commissioners present voted aye. Motion carried.

~~Mr. Sullivan asked the Commissioners for permission to respond to Council with regards to the 4 directives.~~

MOTION: Commissioner Bryant moved to allow Mr. Sullivan to respond to Town Council the result of the directives, being; Items 1,2, & 3 are no longer relevant. Item #4 Commission does not believe that the road meets the requirements. Woodline Drive Subdivision has been denied.
Commissioner Huppertz seconded the motion.

VOTE: All Commissioners present voted aye.

- B. The applicant is seeking a Conditional Use Permit for a K1-12 Charter school located at Hwy 344, Tract A-2, Parcel A, Lone Pine Ranch, Section 22, T10N, R7E, N.M.P.M. Town of Edgewood, Santa Fe County, NM 87015.

Ron Bohannon, Civil Engineer, Steve Nakamora, President/CEO of RM Development & Larry Sullivan were sworn in.

Mr. Sullivan gave a brief summary of the Conditional Use request and asked the applicant for his presentation.

Mr. Nakamora explained the school's desire to be in Edgewood. The 60,200 square foot building will hold 780 students at full capacity. They hope to be under construction in January.

Mr. Ron Bohannon explained that his company had done the engineering for the Walmart store. He noted that 4 new fire hydrants will be added. Also, they will use an advanced treatment system with leach fields, a three sided monument sign and at a later date have a structure for outside storage and fenced back lot. He also noted a Traffic Impact Study had been done and determined a 425 foot tapered deceleration lane will be required.

A discussion ensued regarding different aspect of the site plan.

Larry Sullivan inquired if the school had done an Economic Impact Study for the local community.

Mr. Bohannon replied they usually do not.

Mr. Nakamora interjected the Town would get GRTs from the construction and property taxes from the school.

Chairman Thompson closed the Public Hearing.

MOTION: Commissioner Huppertz moved to approve the Conditional Use Permit for a K1-12 Charter school located at Hwy 344, Tract A-2, Parcel A, Lone Pine Ranch, Section 22, T10N, R7E, N.M.P.M. Town of Edgewood, Santa Fe County, NM 87015, with the condition that it meets the requirements of a qualified engineer, New Mexico Department of Transportation, Santa Fe

~~County Fire Department, EPCOR and town staff. Commissioner Bryant~~
seconded the motion.

VOTE: Commissioner Huppertz voted aye. Commissioner Bryant voted aye.
Chairman Thompson voted aye. Motion carried.

6. FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDED ORDER

A. Conditional Use for Short Term Rentals for property located at:

506 Dinkle Road, Tract B, as shown on "Land Division of a portion of the Lands of Donald E & Mary E Huston", being located in portions of Sections 14, 23, & 24, T10N, R7E, N.M.P.M., Santa Fe County, Town of Edgewood, NM 87015

Mr. Sullivan explained the Findings contained what the Commission had discussed as a factual base and the list of conditions they had agreed upon. He added if the Commission approves the Findings, he will send a letter of approval to Mr. & Mrs. Miller.

Commissioner Bryant asked about item #8; Outdoor burning. He stated anyone can do a 3-foot burn, so how would this requirement be regulated.

Commissioner Huppertz suggested #8 be changed to "abide by the City Ordinance as it relates to outside burning".

MOTION: Commissioner Bryant made a motion to approve the Findings of Facts, Conclusions of Law and Recommended Order for the Conditional Use for Short Term Rentals for property located at:

506 Dinkle Road, Tract B, as shown on "Land Division of a portion of the Lands of Donald E & Mary E Huston", being located in portions of Sections 14, 23, & 24, T10N, R7E, N.M.P.M., Santa Fe County, Town of Edgewood, NM 87015 with the conditions listed, except for changes stated to Item #8. Commissioner Huppertz seconded the motion.

VOTE: All Commissioners present voted aye. Motion carried.

7. RECOMMENDATION TO AUTHORIZE CONTINUING MAINTENANCE FOR MEDICAL CENTER DRIVE.

Larry Sullivan explained this request originated with the Road Supervisor, who had concerns that the Town was maintaining this road without approval. Mr. Henninger requested this road be added to the Road Maintenance List. The Recommendation provided will be forward to Town Council for final approval.

MOTION: Commissioner Huppertz made a motion to approve the Recommendation for Medical Center Road to receive Town Maintenance to move forward to Town Council. Commissioner Bryant seconded the motion.

VOTE: All Commissioners present voted aye. Motion carried.

8. WORKSHOP

A. Amendments to the Zoning Ordinance – District Standards

~~Mr. Sullivan distributed a handout regarding height restrictions from a California town. He explained they allow for two stories or 26 feet straight up from the grade.~~

The Commissioners discussed different options and asked staff to prepare a recommendation to go forward to Council.

Mr. Sullivan agreed and added he would have something ready for the next meeting.

B. Road Standards & Paving Priority List

Mr. Sullivan pointed out the new road map was complete and hanging on the wall. He noted it was coded for pave and unpaved roads. He added he would refine the design standards and have them ready for the next meeting.

9. MATTERS FROM THE CHAIR AND COMMISSION MEMBERS

Commissioner Huppertz commented on the previous discussion regarding the definition for Roadway/Streets.

A brief discussion followed.

10. MATTERS FROM STAFF

Mr. Sullivan spoke about a Fire Impact Fee Report that Staff will put together and bring to the Commissioners to review. This report will take a while because this is the first one we have had to do. The report will be used to purchase necessary equipment for the fire department.

11. CALENDAR UPDATE AND FUTURE AGENDA ITEMS.

A. Next Commission Meeting – October 17, 2016

1. Woods End Road - 2 lot subdivision- withdrawn
2. Tentative Joint Training- 4:00 pm

B. Joint Workshop on Subdivisions – November 5th or 12th.

The Commissioners agreed that November 5th would be the best date for the Joint Workshop.

12. ADJOURN.

MOTION:

Commissioner Huppertz made a motion to adjourn tonight's meeting.
Commissioner Bryant seconded the motion.

VOTE:

All Commissioners present voted aye. Motion carried.

Chairman Dan Thompson adjourned the meeting of October 3, 2016 at 8:50 pm.

PASSED, APPROVED AND ADOPTED on this 17th day of OCTOBER, 2016.

Dan Thompson, Chairman

ATTEST:

Garry Bryant, Secretary

In Re: Appeal of	§	
	§	Planning and Zoning Commission
Jonathan Pillars	§	
	§	Town of Edgewood
On First Remand from Council	§	

Findings of Fact and Conclusions of Law

STATEMENT OF THE CASE

Jonathan Pillars applied for approval of a minor subdivision plat for an eight-acre tract in a residential district in Edgewood NM. The parcel is located on the north side of an east/west multi-purpose easement called Woodline Drive. The east/west leg of the Woodline Drive easement extends approximately 712.50 feet from the center of a turnaround circle, to the west property line of the 8-acre parcel. Twenty-five feet of the 50' wide easement is wholly within the property lines of the eight-acre tract proposed to be subdivided. The Planning & Zoning Commission of the Town of Edgewood (hereafter "P&Z" or "the Commission") unanimously approved the minor subdivision, subject to compliance with several conditions. Pillars appealed the decision of P&Z to the Town Council, challenging imposition of the conditions. Town council remanded the decision to P&Z with instructions to consider several issues embedded in the conditions imposed by P&Z. The matter was set for reconsideration and disposition by P&Z at its regular meeting on September 7, 2016.

Having determined that a quorum of the commission was present, and that public notice had been given as required by law, the Commission opened the matter for public hearing. Planning staff gave a summary statement of the posture of the case and matters to be addressed on remand. Each commissioner announced in turn that s/he had no personal interest in the matter and that no ex parte communication had been had with applicant or neighboring property owners. All prospective witnesses were sworn. Applicant and agent for the Applicant introduced evidence and argument in support of the application. No other witnesses except staff appeared to introduce evidence or argument. Staff introduced an analysis of primary issues, and suggested alternative ways to dispose of questions raised.

FINDINGS OF FACT

Physical Jurisdiction. The subject property is located wholly within an R-1 Residential District situated entirely within the boundaries of the Town of Edgewood. The legal description was given as Tract P-1-R-1-B, Section 21, T10N, R73, N.M.P.M., Town of Edgewood, Santa Fe County, NM. All the parcels contiguous to the eight-acre parcel are also located in a residential district within the Town of Edgewood.

Parties. The record of this Application contains documentary evidence and testimony that Jonathan Pillars owns the eight-acre tract proposed for subdivision, and that Oden Associates was duly authorized by the owner to represent him as his agent in connection herewith. No one objected to the authority of Mr. Oden to represent Mr. Pillars as agent. Mr. Oden testified at the June 5 P&Z hearing that Mr. Pillars also owned two parcels — identified as Tract P-3 and Tract P-4 — situated adjacent to and due west of the proposed Tract P-5. Mr. Pillars did not appear to deny ownership of Tract P-3 or Tract P-4 until his presentation of his appeal before the town Council on September 7, 2106.

Subject Matter Jurisdiction. The P&Z has been authorized by Sections 5.B.17 of SUBDIVISION ORDINANCE NO. 2014-03, as amended February 4, 2015, to decide whether and under what conditions to approve applications for subdivision of lands within the territorial jurisdiction of the Town of Edgewood. The same authorization appears in Section 5 of the ZONING ORDINANCE.

ADDRESSING CONCERNS OF THE TOWN COUNCIL

A. Whether a planning authority can require restrictive covenants as a condition for an approval of a subdivision.

There is legal precedent in New Mexico for a local planning authority to require restrictive covenants as a condition for approval of a subdivision. See *Village of Los Ranchos de Albuquerque v. Shiveley*, 110 N.M. 15, 791 P.2d 466 (Civ.App.1989) and *Colborne v. Village of Corrales*, 106 N.M. 103, 739 P.2d 972 (Ct. App. 1987). The covenant about a minimum lot size required by P&Z in this case, however, has been eclipsed and rendered unnecessary by a private covenant limiting the size of lots to 1.5 acres per lot. The private covenant accomplishes the same result intended by the covenant originally imposed by the Commission as condition precedent to approval of the subdivision. The condition imposed by the Commission should be rescinded. Note, however, that the

Commission did not learn of the existence of the restrictive private covenant in Pillars Lands until after the hearing on June 5, 2016.

B. Whether a planning authority can require an applicant to improve a road beyond the area of his property.

P&Z is aware that a planning authority may not in these circumstances reasonably require an applicant to improve a road beyond the area of his property. However, Agent for the Applicant stated under oath at the hearing on June 5, 2016, that Applicant owns Tracts P-3 and P-4, which parcels are contiguous with one another and the [proposed] Tract P-5. Applicant did not disclose to the Commission that he did not own P-3 or P-4, until after the hearing on June 5. The requirement that Applicant should extend roadway improvements past the west side of proposed Tract P-5 should therefore be rescinded as having been based upon inaccurate information provided to the Commission by the Applicant's Agent.

C. Applicability of a road maintenance agreement to the requirement that Applicant should make a roadway improvement.

Neither was the Commission informed of the existence of a road maintenance agreement until *after* the June 5th hearing. Having examined the maintenance agreement identified as applying to Woodline Drive, the Commission is persuaded that a suggested requirement that abutting property owners provide improvements for either the north/south leg or the east/west leg cannot be sustained. The maintenance agreement in question provides only for maintenance of existing improvements already in place. It does not provide for initial installation of roadway improvements, whether on the north/south or east/west legs of Woodline Drive. After the June 5th hearing, Applicant observed to Staff that initial roadway improvements had already been provided for the north/south leg of Woodline Drive up to the corner where Woodline Drive turns west, and that failure of abutting land owners to perform maintenance duties as required by the Agreement is the cause for the poor condition of that part of the roadway.

The Commission concedes that Applicant should not in the circumstances be required to build new roadway on the north/south leg of Woodline Drive, which 750- foot corridor intersects with Woods End Road. Nevertheless, it might be deemed appropriate for Applicant to be required to place an improved road on the east/west leg of Woodline Drive.

D. Whether services in place (utilities and roadways) meet the requirements.

The Commission finds that roadway improvements now in place on the east/west leg of the Woodline Drive easement do not meet the requirements for a road capable of bearing heavy fire apparatus as required by the ordinance and as recommended by the Santa Fe Fire Department. As justification for this finding, the Commission notes:

- 1) Based on data about road base materials data provided by the Applicant to the Commission on October 3, the roadway improvements added by the Applicant prior to or after the hearing on June 5 cannot yet meet the specification of a base coarse of 6" compacted gravel, as provided by ordinance and/or as recommended in the fire department inspection report.
- 2) No improvements have been added, planned or designed for a turnaround for fire department vehicles on the west end of the proposed roadway. It is more than 150 feet from the east property line of proposed Tract 5 to the knuckle shaped cul-de-sac where Woodline Drive turns to the west. Fire department regulations say that a fire truck must not be required to back up more than 150 feet.
- 3) It was not clearly shown that the gravel applied for the roadway in the declared easement was long enough or wide enough to satisfy standards for access for fire apparatus.

The minor subdivision provisions of the ordinance provide that all conditions must be met before a proposed subdivision can be found "eligible" to be approved as a minor subdivision. The Pillars application clearly fails to satisfy the roadway access requirement, particularly as informed by that requirement which says that the road must be capable of bearing fire department vehicles weighing up to 75,000 lbs. It could also be argued that the application failed to satisfy the "no infrastructure needed" requirement, because no underground utilities were shown on the proposed plat and only the underground power line was described in testimony by Applicant or Agent as having already been extended up to the east property line of proposed Tract P-5. In any event, the ordinance provides that an application may in the discretion of the Commission be denied if the Applicant fails to provide accurate information at the time it is needed for a decision.

FINAL ORDER

Upon these premises, it is ORDERED as follows:

1. The condition concerning minimum lot size is rescinded because it became moot upon the presentation of new information after original hearing was had on June 5;
2. The condition requiring extension of roadway improvements into Parcels P-3 and P-4 is rescinded because it was based on inaccurate information provided by Agent for the Applicant;

3. Based on information made available by Applicant after the hearing on June 5, to wit: a Maintenance Agreement for preexisting roadway improvements, the condition that Applicant should make roadway improvements to the north/south leg of Woodline Drive is rescinded;
4. The requirement that roadway improvements, including a turnaround inside the boundaries of the proposed Parcel P-5, built to town standards and deemed acceptable to the Santa Fe County Fire Department, is sustained as a reasonable precondition for approval of a subdivision, whether or not it be considered a "minor" subdivision;
5. The application for approval of the proposed minor subdivision is DENIED without prejudice to file a new application for approval as a major subdivision; and
6. It is further ORDERED that the application fee filed in connection with this application shall be returned to Applicant Pillars.

Adopted this ____ day of _____, 2016.

Garry Bryant, Secretary
Planning & Zoning Commission
Town of Edgewood

Dan Thompson, Chairperson
Planning & Zoning Commission
Town of Edgewood

In Re: Application of	§	
	§	Planning and Zoning Commission
Tierra West LLC for	§	
	§	Town of Edgewood
Conditional Use Permit	§	

Findings of Fact and Conclusions of Law

The application Tierra West, LLC, acting as agent for Lone Pine Ranch, Inc. of Edgewood NM, for a conditional use permit to build and operate a charter school located in an R-1 Conventional Residential zone was presented to Planning & Zoning Commission for disposition at its regular meeting on October 4, 2016. Having previously determined in that meeting that a quorum of the commission was present, that none of the commissioners had any pecuniary interest in the matter or ex parte communication with the applicant, and that public notice had been given as required by law, the Commission opened the matter for public hearing.

Planning staff gave a summary statement of the questions to be decided. Prospective witnesses were sworn. Applicants introduced evidence and argument in support of the application. Planning staff introduced an analysis of expected impacts and recommended continuation of the hearing for 30 days to allow further refinement and review of plans and consideration of reports from NMDOT and EVEDA.

Thus advised, the Commission adopted the following findings of fact and conclusions of law.

- 1) **Physical Jurisdiction.** Parcel A-2 out of the Lone Pine Ranch Subdivision is wholly situated an R-1. Residential zoning district within the municipal boundaries of the Town of Edgewood.
- 2) **Owner(s) and Agency.** The spokesperson for Tierra West presented a statement signed by one Audrey Payne, claiming to be an official of The Lone Pine Ranch, which statement authorized Tierra West LLC to act as agent for record owner of the property in connection with the application for approval of the conditional use. No objection was made to the bona fides of the authorization.
- 3) **Subject Matter Jurisdiction.** Edgewood zoning ordinance Section 12.C.3. lists public or private schools and" incidental facilities" as a conditional use allowed within a residential district. Any proposed conditional use requires public hearing and review by the Planning & Zoning Commission for concerns listed in Guidelines in Section 35D of the Edgewood Zoning Ordinance. The guidelines specify the following concerns:

" . . . vehicular and pedestrian safety, traffic control, Off Street Parking, and emergency access in case of fire, flood or catastrophe [and] the economic, noise, glare, or odor effects of the [use] on contiguous properties; and general compatibility with contiguous properties and other properties in the area."

Connections to water and sewer services and other public utilities, with reference to necessary easements or dedications;

Storm water drainage control and flood protection with references to the National Flood Insurance Program; Solid waste management systems and the potential for Hazardous Materials or other waste [* * * *] ”

Edgewood Zoning Ordinance §§ 5 and 35 give the Planning & Zoning Commission authority to review the application and decide whether to approve a Conditional Use Permit. Zoning Ordinance § 8 Planning & Zoning Staff are also given authority to review Development Plans for compliance with requirements of the zoning ordinance. In the case of a school, final approval of a conditional use permit is also contingent upon prior approval of a Development Plan for the site by the Town governing body.

- 4) **Current and Proposed Uses of the Site.** The premises in question have until now been used primarily for agricultural purposes. Applicant proposes to use all 20 acres of Parcel A-2 for charter school purposes, indicating that, at the outset of operations, the eastern half of the tract may be held in reserve for incidental facilities such as athletic facilities or wastewater treatment leach fields or for expansion of primary facilities to accommodate a larger number of students. Enrollment is expected to increase from approximately 400 students to 740 students. Tierra West submitted a “site plan” and “conceptual” plans for grading and landscape development. They are attached as Exhibits “A” and “B” and “C” respectively.
- a) **Footprint.** Each of these drawings show the footprint for a 60,200 SF building situated east of an on-site parking lot and a 1000-foot route through the interior approach lane and parking areas that might be used as a serpentine “stacking lane” during peak traffic hours in the morning and the afternoon. All three plans provided access for solid waste pickup. None of the plans gave a detailed floor plan, finish floor elevations or building height.
 - b) **On-Site Parking.** The proposed parking area would support 140 vehicles. Eight parking spaces closest to the entrance are reserved for handicapped access. No separate bays or approach lanes were shown for school bus parking. No justification was given for the capacity of the on-site parking area, but Tierra West suggested that on-site parking could be expanded from its present location toward the south property line.
 - c) **Items not clearly specified -- water.** Applicant says EPCOR will extend water service lines up the public utility easement on the west side frontage of the parcel to provide water for both consumption and fire protection. An oral commitment to install up to four fire hydrants was given. However, no letter of commitment from the water supplier was presented with the application or during the hearing.
 - d) **Items not clearly specified – wastewater system.** Applicant reported that town sewer lines could not be extended due to anticipated expense, so a package treatment process using a leaching field process is under consideration, but no further details were provided by the applicant.
 - e) **Items not clearly specified – ponding of surface runoff.** Applicant indicated surface runoff would largely be contained on site, perhaps with constructed ponds located on the southeast side of the new building, even though the conceptual grading and drainage plan did not clearly support that claim. Staff observed that runoff to the NE corner appeared to be channelized into the borrow ditch or existing drainage swale. Tierra West assured the Commission that surface runoff would not be dumped into the NM 344.
 - f) **Omitted Items – traffic management.** (i) None of the concept plans showed where a recommended 425’ foot “tapered” deceleration lane would be cut through the curb on NM

344, safely to accommodate northbound traffic slowing to turn into the school grounds. A Tierra West representative stated during the hearing that the tapered lane could be placed altogether in the public ROW south of the access cut at the SE corner of the property. This would require approval by NMDOT. Applicant conceded that NMDOT had not yet provided comments on or approval for proposed curb cuts or other traffic management proposals. Tierra West agreed to make sure to maintain good traffic visibility triangles for entrances in refining the proposed landscape plan.

- g) **Omitted Items – fire safety.** Concept plans submitted do not indicate where heavy fire apparatus would be let out of the proposed parking area into an access road going around to the back of the proposed structure. The fire access route was not shown. Tierra West suggested that a hard-surface route could be cut through the curb between the north wall of the building and the semi-enclosed trash receptacle wall, and that it could be extended around to the SE corner of the building. There being no indicated height for the proposed structure, it was not possible to determine whether the described route would lie outside the “collapse zone” as required by the fire department for clearance. No proposal was made as to the location of the necessary “turnaround” area required by the fire department, and applicant made no statement as to the proposed “building type” that will be needed by the fire department to complete its review of the proposed facilities.
 - h) **Signage.** The proposed monument sign plan showed dimensions that do not exceed the maximum allowable set out in the sign ordinance. Applicant says additional wall-mounted signage will be proposed but gave no indication of the kinds of signs proposed, or parameters to be observed in the design for this signage.
- 5) **Neighboring Uses.** Adjacent properties on the east side of NM 344 have been zoned for residential uses, but contiguous parcels are still largely undeveloped. Properties located further away on the west side of NM 344 have been zoned “special use” or commercial [344 Storage to the north; Wal-Mart to the south].
 - 6) **Economic Impacts.** This property is located in a semi-rural setting. Without a systematic study of the overall economic impact of the construction and operation of the school, it is difficult to determine whether pros outweigh cons for property values in the adjacent and surrounding properties. Applicant claimed at the hearing that construction expenditures estimated at \$9.5 million would be taxed at the point of use in Edgewood. But it appears the owner of the facilities is likely to be a non-profit 501(c)(3) foundation, so the claims of the applicant must be explored and evaluated. Expenditures of construction workers for food, lodging and gasoline will increase GRT for the town for a time. These issues could be addressed in the Development Plan to be submitted to the governing body as a condition precedent to approval.
 - 7) **Noise, glare & odors associated.** Noise and nighttime glare is possible, especially in connection with outdoor events.
 - 8) **General Compatibility with Adjacent Properties.** The proposed deceleration lane could adversely impact trails uses of the public ROW and/or utilities easement along the east ROW for NM 344 south of the SE corner of Parcel A-2.
 - 9) **General Assessment.**
 - a) Conceptually the proposal appears to be in the public interest and promises significant benefits for residents of the Town of Edgewood.

- b) A Development Plan required by the ordinance depends upon more complete detailed site and construction plans than those presently available for review. Thus a Conditional Use Permit can only tentatively be approved at this time. Unresolved traffic safety and parking issues are prominent. Access for emergency equipment and related life safety issues must also carefully be addressed. Landscape, grading & drainage, as well as lighting matters need more attention before the Development Plan might finally be completed.
- c) In developing more detailed plans for the charter school and a Development Plan for presentation to and approval by the governing body, compliance by the applicant with reasonable requirements of the following named officials should provide satisfactory assurance to the Commission that the public interest will be served: (1) NMDOT District 5; (2) EPCOR; (3) Santa Fe County Fire Department; (4) Edgewood Town Engineers, and (5) the Edgewood Planning Officer.
- d) Furthermore, the fact that the charter school anticipates growth that would almost double the student enrollment suggests a second major review of the conditions of the permit may be appropriate at some time in the future.

CONDITIONS OF THE PERMIT.

Accordingly, the Commission concludes that the Conditional Use Permit should be issued for the proposed use when all reasonable requirements and conditions of the following-named officials have been satisfied:

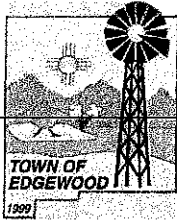
- a) Appropriate transportation planning authorities at NMDOT District 5;
- b) One or more executives of EPCOR with authority to make unqualified commitments of the kind needed for approval of water supply and quality for the project;
- c) Regular fire inspector(s) for the Santa Fe County Fire Department;
- d) Duly appointed Town Engineer(s); and
- e) The Planning Officer for the Town of Edgewood.

Those charged with responsibility for reviewing plans and proposals from the Applicant shall be guided by the ordinances of the Town of Edgewood and laws of the State of New Mexico, and they should, if appropriate, indicate in their reviews and final reports whether and upon the occurrence of what event(s) the Applicant should be required to submit an application to supplement or amend the conditional use permit. The Planning Officer shall be authorized to present the revised final application as well as the Development Plan to the Planning Commission for final approval.

Adopted this ____ day of _____, 2016.

Garry Bryant, Secretary
Planning & Zoning Commission
Town of Edgewood

Dan Thompson, Chairperson
Planning & Zoning Commission
Town of Edgewood



PLANNING & ZONING COMMISSION

Town of Edgewood
1911 Historic Route 66
505-286-4518, 505-286-4519 (fax)

<p>Mr. Dan Thompson (Chairperson) 16 San Miquel Road Box #4 Edgewood, NM 87015 Phone: 269-9119 cell 286-2306 work Email: dthompson@edgewood-nm.gov Commission Expires: 1/17</p>	<p>Ms. Cheryl Huppertz Box #6 PO Box 1867 49 B&C E. Hill Ranch Road Edgewood, NM 87015 Phone: 573-7916 cell 286-3287 home Email: chuppertz@edgewood-nm.gov Commission Expires 1/18</p>
<p>Mr. Garry Bryant Box#1 14 Moonlight Meadows Edgewood, NM 87015 Phone: 377-7864 cell Email: gbryant@edgewood-nm.gov Commission Expires: 1/18</p>	
<p>Larry Sullivan Phone: 318-9220 cell 286-4518 work Email: lsullivan@edgewood-nm.gov Planning Administrator</p>	<p>Ms. Bonnie Pettee Phone: 286-4518 work Email: bpettee@edgewood-nm.gov Planning & Zoning Assistant</p>